



TOWN OF MARION
ZONING BOARD OF APPEALS
2 SPRING STREET
MARION, MASSACHUSETTS 02738
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MINUTES OF MEETING September 10, 2015

The Marion Zoning Board of Appeals convened at 7:30 p.m. on Thursday, September 10, 2015 in the main conference room of the Marion Town House to hear case numbers:

- Case #664-Continuation, that of Tabor Academy, in the vicinity of Spring Street, Ryder Lane and Front Street to seek relief from a decision of the Building Commissioner. The property is further identified on Assessors' Plan 13 as Lot 44

Zoning Board members present were Chairman Eric Pierce, Betsy Dunn, Domingo Alves and Kate Mahoney.

Also present: Jean Perry, The Wanderer

Upon arrival the Board was presented with the following information for the evenings Business:

- Agenda
- Materials for case #664, which include:
 - Legal Notice
 - Application form
 - Copy of letter from Building Commissioner to Tabor Academy
 - Copy of letter from Blatman, Bobrowski & Mead, LLC including attachments
 - Copy of Land Court documents
 - Copy of email received September 10, 2015 requesting a continuance to January 2016

At 7:30pm, Mr. Pierce opened the meeting.

Mrs. Dunn started the conversation regarding the continued Tabor Academy case #664. The original date for this hearing was on October 25, 2012. She read aloud an email that she sent to Jon Witten, Town Counsel. Mrs. Dunn said that Tabor has continued this hearing 10 times since 2012. In her email to Mr. Witten, she said she wanted to move to deny another continuance but was not sure if it was legal to do so. She then read aloud Mr. Witten's response. He stated that the board could deny the continuance but then they would be "in a position of rendering a decision in the primary case" in regards to the lights and the backstop. In the email Mr. Witten

mentioned that three years ago he had suggested that Tabor's counsel meet with various town boards to see if a compromise could be worked out. Such as lighting that was lower or different hours. He said he did not have a suggestion for the backstop. It needs to be moved in order to conform to zoning setbacks.

Mr. Alves asked if they did meet with town boards. Mr. Pierce said that a couple of years ago there were some negotiations, executive sessions to see where everyone stood.

This hearing had been continued from April 9, 2015. There was no communication with the Tabor attorney until late afternoon on September 10, 2015. Attorney Bobrowski sent an email requesting the case be continued to January 2016.

There was a discussion about how to proceed. Mr. Pierce would like to speak to Mr. Witten for further clarification.

Mrs. Dunn suggested that the board continue the hearing to the next meeting and not until January 2016 as requested. That will allow time for Mr. Pierce to speak with Town Counsel.

Mr. Pierce motioned to continue the hearing of case #664 to Thursday, September 24, 2015 at 7:40pm; Mrs. Dunn seconded; voted unanimously.

Mr. Pierce revisited case # 710, Sippican Preservation, LLC for the variance for parking at 16 Cottage Street. The letter of withdrawal was received. Mrs. Dunn moved to accept the withdrawal of case #710; Mr. Alves seconded; voted unanimously.

Minutes from August 13, 2015 and August 27, 2015 were approved.

With no other business before the Board the meeting was adjourned at 7:50pm

Approved: September 24, 2015

Submitted by: Eric Pierce, Chairman

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